

E-File: June 16, 2009

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

THE RHODES COMPANIES, LLC, aka
"Rhodes Homes, et al.,¹

Debtors.

Case No.: BK-S-09-14814-LBR
(Jointly Administered)

Chapter 11

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

Affects:

- ☒ All Debtors
☐ Affects the following Debtor(s)

**EX-PARTE APPLICATION FOR ORDER
SHORTENING TIME TO HEAR
DEBTORS' EMERGENCY MOTION FOR
AN ORDER EXTENDING THE CASH
COLLATERAL TERMINATION DATE**

The above-captioned debtors and debtors-in-possession ("Debtors") move this Court for an order shortening time to hear the *Debtors' Emergency Motion for an Order Extending Cash Collateral Termination Date* ("**Emergency Motion**").

Although the Debtors have been negotiating a consensual extension of their authority to use cash collateral and are hopeful that the First Lien Steering Committee will sign off pending review of the Debtors' revised proposed budget, the Debtors can no longer delay seeking authority from the Court because the Debtors' current deadline for consensual use of cash collateral expires on Sunday, June 28, 2009. All of the Debtors' cash is cash collateral of their secured lenders. Without the relief requested in the Emergency Motion, the Debtors will not be able to pay any operating expenses necessary to preserve the value of the Debtors' estates, including employee wages for their employees. Accordingly, the Debtors respectfully request that the Court grant this Ex Parte Motion and hear the Emergency Motion on an expedited basis at the same time as the Court hears the other matters currently set for hearing on the Debtors' omnibus hearing date of Friday, June 26, 2009 at 1:30 p.m. or such other date and time that is convenient for the Court prior to the June 26th omnibus hearing date.

This Ex Parte Motion for Order Shortening Time ("Ex Parte Motion") is made and based upon Fed. R. Bankr. P. 9006, the following memorandum of points and authorities, the Affidavit of Zachariah Larson, Esq. ("Larson Affidavit"), the Attorney Information Sheet filed contemporaneously herewith, the Emergency Motion, and the papers and pleading on file herein, judicial notice of which is respectfully requested.

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WHEREFORE, the Debtors respectfully request that this Honorable Court grant this Ex Parte Motion and issue an order shortening time to hear the Emergency Motion on June 26, 2009, and for such other and further relief as the Court deems just and proper.

Dated: June 16, 2009 , LARSON & STEPHENS

/s/ Zachariah Larson

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Attorneys for Debtors and
Debtors in Possession

POINTS AND AUTHORITIES

I.

AFFIDAVIT OF ZACHARIAH LARSON, ESQ.

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Zachariah Larson, Esq., being first duly sworn, depose and say:

1. I am over the age of 18, am mentally competent, have personal knowledge of the facts in this matter, and if called upon to testify, could and would do so.

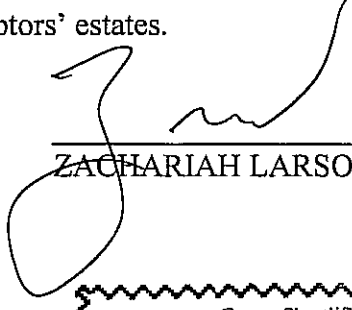
2. I am a member with the law firm of Larson & Stephens, LLC, proposed attorneys for the above-captioned Debtors, in the above captioned matter and duly licensed to practice law in the State of Nevada.

3. Debtors are requesting that the Emergency Motion, filed contemporaneously herewith, be heard on shortened time. An urgent and immediate need exists for the Debtors to obtain an order for continued use of cash collateral. All of the Debtors' cash is cash collateral of their secured lenders. Without the relief requested in the Emergency Motion, the Debtors will not be able to pay any operating expenses necessary to preserve the value of the Debtors' estates, including employee wages for their employees. Accordingly, I believe that a hearing on the Emergency Motion on an expedited basis at the same time as the Court hears the other matters

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1 set for hearing on the Debtors' June 26th omnibus hearing date is necessary and warranted to
2 avoid immediate and irreparable harm to the Debtors' estates.

3 DATED this 16th day of June, 2009.

4 
ZACHARIAH LARSON, ESQ.

5
6 SUBSCRIBED AND SWORN to before me
this 16th day of June, 2009.

7 
8 NOTARY PUBLIC



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11 **II.**
LEGAL ARGUMENT

12 Section 105, Title 11 United States Code (the "Bankruptcy Code") allows this Court to
13 issue such orders as are necessary to carry out the provisions of this title. Fed. R. Bankr. P.
14 9006(c)(1) generally permits a Bankruptcy Court, for cause shown and in its discretion, to reduce
15 the period during which any notice is given in accordance with the Bankruptcy Rules.
16 Bankruptcy Rule 9006(c)(1) provides as follows:

17 Except as provided in paragraph (2) of this subdivision, when an
18 act is required or allowed to be done at or within a specified time
19 by these rules or by a notice given thereunder or by order of court,
20 the court for cause shown may in its discretion with or without
21 motion or notice order the period reduced.

22 Fed. R. Bankr. P. 9006(c).

23 Local Rule 9006 provides further authority for shortening the time for a hearing.
24 According to Local Rule 9006(b), every motion for an order shortening time must be
25 accompanied by an affidavit stating the reasons for an expedited hearing. As set forth in the
26 Rhodes Declaration, there is a compelling reason for an expedited hearing.

27 Local Rule 9006 requires the moving party to submit an Attorney Information Sheet
28 indicating whether opposing counsel was provided with notice, whether opposing counsel

1 consented to the hearing on an order shortening time, the date counsel was provided with notice
2 and how notice was provided or attempted to be provided. An Attorney Information Sheet was
3 filed contemporaneously with this Ex Parte Motion.

4 **III.**
CONCLUSION

5 WHEREFORE, the Debtors respectfully request that this Honorable Court grant this Ex
6 Parte Motion and issue an order shortening time to hear the Emergency Motion on June 26,
7 2009.

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9 Dated: June 16, 2009

LARSON & STEPHENS

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11 */s/ Zachariah Larson*

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14 Counsel for Debtors and
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